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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 CORY BARCUS,

11 Plaintiff,

12 v.

13 HOME DEPOT U.S.A., INC.,

14 Defendant.

CASE NO. 11-cv-05857 JRC

ORDER ON DEFENDANT'S
MOTION TO DISMISS OR IN THE
ALTERNATIVE FOR AN ORDER
COMPELLING DISCOVERY

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16 This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local
17 Magistrate Judge Rule MJR 13 (see also Joint Status Report, ECF No. 9, p. 3). This matter is
18 before the Court on Defendant's Motion to Dismiss Plaintiff's Action or in the Alternative for an
19 Order Compelling Discovery [FRCP 41(b) and 37(a)] (ECF No. 14). Plaintiff has not responded
20 to this motion.

21 The Court finds that plaintiff's failure to provide responses to discovery is prejudicing
22 defendant's ability to prepare for trial. Therefore, unless plaintiff provides complete disclosure
23 and responses by May 3, 2012, this Court will grant defendant's motion to dismiss.
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On March 23, 2012, defendant filed the instant Motion to Dismiss Plaintiff's Action or in the Alternative for an Order Compelling Discovery (see ECF No. 14; see also ECF Nos. 15-16). On April 12, 2012, defendant filed a Reply in which it indicated that plaintiff had not filed a response to the instant motion (see ECF No. 17, p. 1).

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However, defendant is entitled to proceed with discovery and plaintiff's failure to respond is likely to prejudice defendant's ability to prepare its case. Therefore, the

Failure to comply with this order may result in the dismissal of this action.

Dated this 18th day of April, 2012.

J. Richard Creatura
United States Magistrate Judge